

The Use of Search Warrants to Obtain Blood Samples From Juveniles in “Drunk Driving” Cases



Michigan Judicial Institute

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Michigan Department of State Police,
Office of Highway Safety Planning
and
United States Department of Justice,
Office of Juvenile Justice & Delinquency Prevention,
Office of Justice Programs

By **Tobin L. Miller, J.D.**

Michigan Supreme Court

- F Hon. Elizabeth A. Weaver, *Chief Justice*
- F Hon. Michael F. Cavanagh, Hon. Marilyn Kelly, Hon. Clifford W. Taylor,
Hon. Maura D. Corrigan, Hon. Robert P. Young, Jr., Hon. Stephen J. Markman, *Justices*
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The research done on this Monograph is current through March 1, 2000. This Monograph is not intended to be an authoritative statement by the Justices of the Michigan Supreme Court regarding any of the substantive issues discussed. However, it does represent the consensus of the author and the advisory committee members regarding these issues.

Foreword and Acknowledgments

This monograph, “The Use of Search Warrants to Obtain Blood Samples From Juveniles in ‘Drunk Driving’ Cases,” was produced with funding by the Office of Highway Safety Planning and prepared under Grant Number ____ from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The Michigan Judicial Institute (MJl) thanks the Office of Highway Safety Planning and the Office of Juvenile Justice and Delinquency Prevention for their generous support.

This monograph is one of two monographs dealing with problematic issues in juvenile traffic cases. This monograph is intended to provide guidance in “drunk driving” cases involving juveniles who refuse to take a chemical test under Michigan’s “implied consent” law, when the arresting officer seeks a search warrant to obtain a blood sample for testing. The other monograph, “Use of the Consent Calendar and Retention of Records in Cases Involving Juvenile Traffic Offenses,” explains the relationship between the use of the consent calendar and record retention requirements in juvenile traffic cases.

Work on this monograph was assisted by several persons who acted as Advisory Committee members by reviewing the text and providing “best practice” suggestions. The Michigan Judicial Institute gratefully acknowledges the time, helpful advice, and expertise contributed by these individuals. They are David S. Batdorf-Barnes, Attorney-Referee, Livingston County Probate Court; George Strander, Probate Management Analyst, Family Division Implementation Services, State Court Administrative Office; and Peter Stathakis, Program Administrator, Michigan Judicial Institute. The Michigan Judicial Institute would also like to thank all of the Michigan Trial Court employees who patiently answered the author’s questions regarding courts’ treatment of juvenile “drunk driving” cases and who provided other helpful information. The “best practice” suggestions in this monograph represent the best professional judgement of the author and the Advisory Committee members and are not intended to be authoritative statements by the Justices of the Michigan Supreme Court.

Tobin L. Miller, MJl Research Attorney, researched and wrote this monograph. Mary Lovik, MJl Publications Administrator, served as editor and project manager. Mary Ann McDaid, MJl Multi-Media Development Specialist, was responsible for page layout, cover design, and coordination of reproduction. Sheila Kallish, MJl Program Assistant, assisted with distribution.

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April 15, 2000

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